

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK AYOTTE, KEN MAUER, and JASON
PHILLIPS,

Plaintiffs,

- against -

THE NATIONAL BASKETBALL
ASSOCIATION and NBA SERVICES CORP.,

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/28/2023

22-CV-9666 (VSB) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This case has been referred to me for general pretrial purposes. The discovery disputes addressed by the parties in Dkt. 37 are resolved as follows.

Interrogatories

Generally: With respect to the specific interrogatories in dispute, Defendants' objections based on vagueness or ambiguity are overruled given the clarifications provided by Plaintiffs. Defendants' refusals to answer on the basis of privilege are overruled to the extent any responsive nonprivileged information shall be provided. Defendants' refusals to answer on the basis of personal or confidential information are overruled as any such concern can be addressed by protective order or redaction. Defendants' objections based on number of interrogatories are overruled.

No. 6: Defendants shall answer the yes/no question. If the answer is "yes," then Defendants must answer the interrogatories' subparts for the communications presently known, without prejudice to amendment upon further discovery.

No. 7: Defendants shall answer the question and subparts a and b with information presently known, without prejudice to amendment upon further discovery. Defendants need not answer the remaining subparts based on Local Civil Rule 33.3(a).

No. 13: Defendants' objection based on Local Civil Rule 33.3(a) is sustained.

No. 14: Defendants' objection based on Local Civil Rule 33.3(a) is sustained.

Nos. 19-22: Defendants shall answer the interrogatories with respect to NBA referees in the U.S. Defendants' relevance and overbreadth objections are otherwise sustained.

Nos. 23-25: Defendants' objection based on Local Civil Rule 33.3(a) is sustained.

Document Requests

Generally: With respect to the specific document requests in dispute, Defendants' objections based on vagueness or ambiguity are overruled given the clarifications provided by Plaintiffs. Defendants' refusals to answer on the basis of privilege are overruled to the extent any responsive nonprivileged information shall be provided. Defendants' refusals to answer on the basis of personal or confidential information are overruled as any such concern can be addressed by protective order or redaction. Defendants' objections to document requests based on number of interrogatories are overruled.

Nos. 5-6: Defendants shall comply with the requests to the extent indicated by Defendants on page 5 of Dkt. 37.

Nos. 12-13: Defendants' objection is sustained in part. Defendants shall produce documents referring to the extent which, if any, Plaintiffs were qualified for other positions.

No. 18: Defendants' objection that the request is unintelligible is sustained.

No. 19: Defendants shall comply with the request to the extent indicated by Defendants on page 5 of Dkt. 37.

No. 20-21: Defendants shall comply with the requests with respect to NBA referees in the U.S. Defendants' relevance and overbreadth/burden objections are otherwise sustained.

Nos. 22-24: Defendants shall comply with these requests to the extent indicated by Defendants on page 5 of Dkt. 37.

The Clerk of Court is respectfully requested to terminate the letter motion at Dkt. 37.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal flourish extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: March 28, 2023
New York, New York

Copies transmitted this date to all counsel of record.